



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/980,645	12/01/1997	CHRIS C. SMITH	TRAK02222	7247

7590 12/20/2001
THOMAS W HUMPHREY
WOOD HERRON EVANS
2700 CAREW TOWER
CINCINNATI, OH 45202

EXAMINER

ZANELLI, MICHAEL J

ART UNIT	PAPER NUMBER
----------	--------------

3661

29

DATE MAILED: 12/20/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/980,645

Applicant(s)

SMITH ET AL.

Examiner

Michael J. Zanelli

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32,33,37-121,132-157 and 166-175 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32,33,37-121 and 132-157 is/are allowed.
- 6) ☒ Claim(s) 166,167,169,171,172 and 174 is/are rejected.
- 7) ☒ Claim(s) 168,170,173 and 175 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 27.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3661

DETAILED ACTION

1. This is responsive to the IDS filed 9/20/01. The newly cited prior art raises a question of patentability of one or more of the allowed claims. Thus, the previous notice indicating that the application is in a condition for allowance is hereby withdrawn. Claims 32, 33, 37-121, 132-157 and 166-175 are pending.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 166 and 171 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoshen (5,461,390).

A. As per claims 166 and 171, Hoshen discloses a system for monitoring the movements of a mobile object. As shown in Fig. 1 and described in the Abstract, a monitoring location receives position or motion information from a mobile object via a communication network. The monitoring station includes a database for storing information relevant to the object being tracked. Based on a correlation of the received

Art Unit: 3661

position information and the stored information, the system may automatically advise a person responsible for the movements of the object.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 167, 169, 172 and 174 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoshen (5,461,390) in view of Fast (5,497,149).

A. As per claims 167 and 172, Hoshen is applied as above. The system of Hoshen is specifically directed to monitoring the movements of humans. However, one of ordinary skill in the art would have found it obvious to apply the teachings of Hoshen to mobile objects other than humans. For example, it was known in the art to use similar technology for monitoring the movements of vehicles (see Fast). As noted in col. 1, lines 6-10 and 45-49, such technology can be used to monitor movements of persons or objects. One of ordinary skill in the art would have found it obvious to apply the teachings of Hoshen to a variety of situations in which the motions of an object were subject to monitoring from a remote location.

B. As per claims 169 and 174, as above wherein Hoshen and Fast both describe environments in which law enforcement officials are contacted based on the movements of the objects being tracked such that law enforcement officials may be dispatched accordingly.

Art Unit: 3661

7. Claims 168, 170, 173 and 175 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. As per claims 168 and 173, the prior art does not show or reasonably suggest that the data stored references a transport service to be performed by the vehicle. Dependent claims 170 and 175 are distinguishable for at least the same reason.

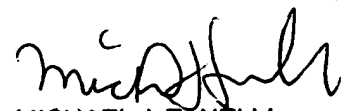
8. Claims 32, 33, 37-121 and 132-157 are allowed.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (703) 305-9756. The examiner can normally be reached on Monday-Thursday 5:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

/mjz
December 17, 2001


MICHAEL J. ZANELLI
PRIMARY EXAMINER